

**Arkansas State Board of Chiropractic Examiners  
Board Meeting / Orientation Minutes  
Thursday, July 21, 2016**

**CALL TO ORDER**

The meeting was called to order by Julie Traylor-Logan, D.C., President, at 10:06 a.m.

**ROLL CALL**

Board Members present:

J. Kent Moore, D.C.  
Michael Courtney, D.C.  
Harold Gunter  
Thomas D. Taylor, D.C., FICA  
Jack McCoy  
Dustin Heard, D.C.  
Julie Traylor-Logan, D.C.

Board Members absent:

None

Staff Members present:

Laurie Mayhan, Executive Director  
Reid Adkins, Assistant Attorney General

Guests Present:

Sam Haley, D.C.  
Chris Cathey, D.C.  
Sara Farris, Assistant Attorney General  
Terrance P. Carolan, DC  
Gail Ragland, Governor Liaison

## ORIENTATION

Dr. Christopher Cathey presented information to the new licensees on behalf of the Arkansas Chiropractic Society.

Dr. Sam Haley presented information to the new licensees on behalf of the Arkansas Chiropractic Physicians association.

Congratulations to the following applicants who attended orientation and received their licenses this day:

	Lic. No.	First Name	MI	Last Name	Suffix
1.	16105	James	M.	Bub	D.C.
2.	16143	Dillon	Q.	Crawford	D.C.
3.	16142	Christopher	T.	Elder	D.C.
4.	16148	Chez	K.	Hill	D.C.
5.	16135	Courtney	A.	Hower-Kreul	D.C.
6.	16134	Matthew	R.	Kreul	D.C.
7.	16114	Ashley	M.	McElroy	D.C.
8.	16140	Miranda	M.	Tipton	D.C.
9.	16139	Edward	R.	Virgil	D.C.
10.	16141	Ashley	B.	Wilcoxson	D.C.
11.	16138	Nathaniel	P.	Ziegler	D.C.

Mr. Caleb M. Bryant and Ms. Tember L. McNeill were approved to attend orientation this day and have met most of their new applicant requirements. Once they graduate from Chiropractic College and turn in their final chiropractic transcripts and copy of their diplomas, they will then receive their licenses.

12.	16145	Caleb	M.	Bryant	D.C.
13.	16144	Tember	L.	McNeill	D.C.

*The Board took a short recess at 10:43 a.m. and resumed the meeting at 10:56 a.m.*

## MINUTES

The June 14, 2016 minutes were presented to the Board. A motion to approve the minutes was made by Dr. Taylor and seconded by Dr. Courtney. Motion passed unanimously.

## DIRECTOR'S REPORTS

### Budget Report

The cash flow statement for June was presented to the Board for review along with April's monthly Expenditure Report by Appropriation and the Monthly Revenue Summary Report by Fund.

As of June 30, 2016 the total expense is \$117,280.17 with \$70,159.83 remaining at the end of fiscal year 2016.

As of June 30, 2016 the total revenue is \$207, 441.21 which includes licensee fees, applicant fees, interest, refunds/reimbursements, and rebates for the fiscal year of 2016.

## CE Report

### FY2016 (July 1, 2015 - June 30, 2016) Year End

Status	Apps received	Class hours offered	Fee Due	Fee Paid
Approved	346	5410.75	\$27,053.75	\$27,053.75
Approved with Exception	4	56	\$280.00	\$280.00
Cancelled	1	12	\$60.00	\$60.00
Not Approved	5	57	\$285.00	\$285.00
<b>Total:</b>	<b>356</b>	<b>5535.75</b>	<b>\$27,678.75</b>	<b>\$27,678.75</b>

### FY2017 (July 1, 2016 - June 30, 2017)

Status	Apps received	Class hours offered	Fee Due	Fee Paid
Approved	15	178	\$890.00	\$890.00
Approved with Exception	2	24	\$120.00	\$120.00
Cancelled	0	0	\$0.00	\$0.00
Not Approved	1	12	\$60.00	\$60.00
<b>Total:</b>	<b>18</b>	<b>214</b>	<b>\$1,070.00</b>	<b>\$1,070.00</b>

## FOIA Report

15 FOIA Requests were received and completed during FY2016 (July 1, 2015- June 30, 2016).

5 FOIA Request have been received and completed thus far for FY2017 (July 1, 2016- June 30, 2017).

Motion to approve the Director's reports was made by Dr. Courtney and seconded by Dr. Heard. The motion passed unanimously.

## OLD BUSINESS

### Proposed language regarding: Part IV, NBCE transcript, Corp. Certificates/registrations, Complaint procedures, FBI background checks, Animal Chiropractic, Fill in/ vacation coverage, Temporary license rule

This item has been tabled in order to get drafted language from legislative bureau for the October meeting.

### The Joint

The Board requested at the January meeting that this item be investigated by Dr. Barnett, Board Investigator, as to who owns the clinic. This item was forwarded to Dr. Barnett and he replied stating that Dr. Browning owns the Little Rock franchise location. A motion was made at the April meeting by Dr. Courtney to request a copy of Dr. Browning's franchise/ownership documents and articles of incorporation. A FOIA request was sent to the corporation division of the AR Secretary of State to request all public documents pertaining to The Joint, Browning PLLC, and Strait Up Ventures LLC. Those documents were received and presented to the Board on June 14, 2016. After review of those documents the Board requested that Dr. Browning submit any and all business contracts/management agreements

between herself and Straight Up Ventures/The Joint. The documents had not been received as of this meeting but was contacted by Dr. Browning stating that she would have them sent this week. A motion was made by Dr. Courtney to table this item for the next meeting. Motion was seconded by Mr. McCoy. Motion passes unanimously.

### **Contracted DOT Examiners / Testing**

This item was presented to the Board on April 14, 2016 regarding whether or not an Arkansas licensed Chiropractor who is contracted with a non-licensed/non-certified professional in Arkansas can legally do so. The Board voted to get the Attorney General's opinion regarding this topic on April 14, 2016. As the Board recently was reassigned to a new Assistant Attorney General, this has not been sent for an official AG opinion. After further discussion the Board's Assistant Attorney General does not see a problem with this agenda item with regard to current board codes or rules. Item tabled for next meeting.

### **Student Rotations at AR V.A. Hospital**

C. Michael DuPriest, DC submitted a letter to the Board at their last meeting, June 14, 2016, asking about student rotations at the V. A. Hospital through academic affiliations with Logan University for the clinical training of senior level chiropractic students. His question was, "If Central Arkansas Veterans Healthcare System established an academic affiliation with Logan would senior students be allowed to perform Hx and physical, develop tx plans, and be allowed to adjust patients?" If not his alternative would be to establish a 1 year paid residency program for licensed graduates. The Board requested that information from other states be compiled regarding their rules and regulations concerning internships of senior chiropractic students. This information was presented to the Board for review. A motion was made by Dr. Courtney to table this item for further review of the power polls presented. Motion seconded by Dr. Taylor. Motion passed unanimously.

### **CE Webinars**

At the June 2016 board meeting the topic of C.E. webinars were discussed as a sponsor recently asked if they could add a webinar to an onsite course that had already been approved this year. This item was tabled for further research and to request a power poll from the FCLB regarding this topic. Power poll(s) were requested and presented to the Board for review. A motion was made by Dr. Taylor to table this item in order to review the power poll. Motion was seconded by Dr. Courtney. Motion passed unanimously.

## **NEW BUSINESS**

### **Temporary License request**

Mallory Province submitted a supervised temporary license request along with her credentials to be reviewed. A motion was made by Dr. Taylor to approve and unsupervised temporary license as she has held a license in another state for two (2) years. Motion seconded by Mr. McCoy. Motion passed unanimously.

### **Fiscal Documentation Retention**

The Executive Director presented information to the Board regarding the purging of documents of past fiscal audits which include the fiscal records mentioned in the General Retention Schedule (GS) 05. The director wanted the Board's approval first before sending a request to the legislative auditor regarding the purging of FY2000 through FY2013. A motion was made by Dr. Moore that the director can send the request to the legislative auditor regarding the purging of FY2000-FY2013 documents, and that the director can do so once approved by the auditor. The motion was seconded by Dr. Courtney. Motion passed unanimously.

### **Arkansas State Archives**

Agency staff would like to request the Board's approval to turn over deceased Licensee files to the Arkansas State Archives as we are currently running out of space in our filing room. Once turned over to the State Archives, their job is to preserve the documents for future generations. This is also to help expand Arkansas' historical archive in regards to its state agencies. A motion to approve the transfer of historical files over to the State Archives was made by Dr. Taylor and seconded by Mr. McCoy. Motion passed unanimously.

### **Jurisprudence Exam going digital**

Dr. Heard presented an email from Dr. Bruce Shotts with the National Board of Chiropractic Examiners (NBCE) regarding the online hosting of our jurisprudence exam. After Dr. Shotts estimated the lowest cost and reviewed the development and administrative costs, he believes that NBCE will be able to host the exam on their servers to allow applicants the ability to take the exam in an open-book format at any time they wish to take it. The minimum cost for the exam needs to be set at \$85 which will be paid to NBCE directly when the applicant takes the exam. The fee is to reimburse NBCE for their costs and is not a charge to the AR State Chiropractic Board. A motion was made by Dr. Courtney to adopt this proposal and was seconded to Dr. Moore. All others for the motion were Dr. Heard and Mr. Gunter. All opposed were Dr. Taylor and Mr. McCoy. Motion passed by majority.

### **District Meeting September 15-18, 2016**

The annual FCLB district III and V meeting will be in Nashville, TN in September. The meeting will be held at the Gaylord Opryland Resort with a room rate of \$173/night + taxes and \$18 resort fee. Taxi or shuttle is provided to and from the resort and airport for \$25 and \$30 respectively. Meals and travel will be reimbursed according to State and or Federal guidelines. A motion was made by Dr. Moore to send Dr. Courtney to the district meeting. The motion was seconded by Dr. Heard. Motion passed.

### **Meeting Dates for FY17 (July 1, 2016 – June 30, 2017)**

October 4, 2016	Tuesday
December 8, 2016	Thursday
January 12, 2017	Thursday
April 11, 2017	Tuesday
June 20, 2017	Tuesday
July 20, 2017	Thursday

A motion was made by Dr. Taylor to approve the dates provided as the Board's meeting dates for FY17. The motion was seconded by Mr. McCoy. Motion passed unanimously.

### **Election of Officers- FY17**

Dr. Moore nominated Dr. Julie Traylor-Logan for President. Dr. Taylor seconded the nomination. No other members were nominated. Dr. Moore moved that nominations cease. Motion seconded by Dr. Taylor. Motion passed unanimously. Dr. Traylor-Logan is accepted by acclamation.

#### **Dr. Julie Traylor-Logan – President FY17**

Dr. Taylor nominated Dr. Moore for Secretary with a second by Mr. McCoy, and Mr. Gunter nominated Dr. Courtney for Secretary. Mr. Gunter withdrew his nomination per Dr. Courtney's request. No other members were nominated. Mr. Jack McCoy moved that nominations cease. Motion seconded by Dr. Taylor. Motion passed unanimously. Dr. Moore is accepted by acclamation.

#### **Dr. J. Kent Moore- Secretary FY17**

Dr. Courtney nominated Mr. Gunter for Treasurer. Dr. Moore seconded the nomination. Mr. McCoy moved that nominations cease with a second by Dr. Taylor. Motion passed unanimously. All in favor of Mr. Gunter for Treasurer. Mr. Gunter is accepted by acclamation.

**Mr. Harold Gunter- Treasurer FY17**

Dr. Traylor-Logan appointed Dr. Dustin Heard as the examination officer. Dr. Heard accepted the appointment.

**Dr. Dustin Heard- Examination Officer FY17**

Dr. Traylor-Logan requested that the Board renew the agreement with Dr. Terry Barnett as an agent of the Board for investigative purposes. The agreement was for reimbursement of travel to and from ASBCE board meetings or for complaint investigation purposes, and \$50 per hour for complaints investigated. A motion was made by Mr. McCoy that the Board renew the agreement with Dr. Barnett as an agent of the Board for investigative purposes. The motion was seconded by Dr. Heard. Dr. Taylor, Dr. Moore, and Mr. Gunter were also in favor of the motion, Dr. Courtney was opposed. The motion passed by majority.

**Transfer patient files from paper to digital**

This item was not on the agenda and is a last minute addition by the President. A licensee inquired about going digital with their patient files, and if it was ok to shred/destroy the paper version once the scanning is complete. The Board suggested that the licensee refer to his own counsel regarding this topic.

**Hyperbaric Therapy (HBOT)**

A current license applicant inquired as to whether or not Hyperbaric Therapy is within the Arkansas Chiropractic scope of practice. A motion was made by Dr. Taylor to defer this to legal counsel for an opinion. The motion was seconded by Dr. Courtney. Motion passed unanimously.

## **INVESTIGATION REPORT**

**Consent Agreement- Donald W. Eastman, DC**

In lieu of the hearing on June 14, 2016 at 1:00 p.m. a consent agreement was mailed to Dr. Eastman. The violation was failing to respond to the communication duly served by the Board upon Licensee. The order states that the licensee will be on probation for a period of six (6) months once the agreement is approved by the Board. The consent agreement was signed by the respondent and returned for the Board's final approval. During discussion about the consent agreement Dr. Courtney made a motion to approve the agreement. As discussion continued, Dr. Courtney withdrew his motion. A new motion was made by Dr. Taylor that the board send the consent agreement back to the boards attorney for revision with concerns that the case no. listed on the agreement should be removed as the agreement is for a separate board violation and not for the allegations of the complaint referenced. The motion was seconded by Dr. Courtney. Motion passed unanimously.

**Complaint Report**

Case Pending	Recommendations	Complaint No.	Complaint Description
1	Pending	635-02-16-16	Solicitation
2	Further Investigation	598-03-31-15	Aiding or abetting an unlicensed practitioner Unregistered procurers
3	Remain Open	605-05-19-15	Unregistered Procurer

4	Remain Open	612-05-25-15	Unregistered Procurer / Advertising
5	Remain Open	621-09-16-15	Unprofessional Conduct/ Unregistered Procurer
6	Remain Open	622-09-16-15	Unprofessional Conduct/ Unregistered Procurer(s)
7	Hearing – 10/4/16	640-05-23-16	Solicitation (soliciting patient at other Chiro. Clinic)
8	Consent Agreement pending	628-12-18-15	Unregistered Procurer/ refused to respond to complaint notice
9	Further Investigation	618-07-21-15	Unprofessional Conduct
10	Hearing rescheduled for 10-4-16	525-2-18-14	Unprofessional Conduct
11	Pending	633-02-16-16	Solicitation by Procurer
12	Sent to Consumer Div.	602-04-27-15	Unprofessional Conduct
13	Sent to Consumer Div.	603-04-27-15	Advertising
14	Pending	639-04-14-16	Unprofessional Conduct - has not complied with Records request
15	Pending	637-02-25-16	Solicitation
16	Pending	638-04-07-16	Solicitation
17	Further Investigation	509-12-18-13	Solicitation
18	Duplicate Record	510-12-27-13	Solicitation - dup rec of 509-12-18-13
19	Further Investigation	532-3-7-14	Solicitation
20	Further Investigation	540-5-21-14	Solicitation
21	Further Investigation	544-6-5-14	Solicitation
22	Further Investigation	572-12-3-14	Solicitation
23	Further Investigation	577-01-30-15	Solicitation/ unprofessional conduct
24	Further Investigation	604-04-29-15	Unregistered Procurer/ Unprofessional conduct
25	Further Investigation	613-06-04-15	Unregistered Procurer/ Unprofessional conduct
26	Further Investigation	614-06-04-15	Unregistered Procurer/ Unprofessional conduct

**Complaint 640-05-23-16**, board previously voted to set this complaint for hearing but did not vote on a date. A motion was made by dr. Taylor to set this case for a hearing on October 4, 2016. The motion was seconded by Dr. Heard. Motion passed.

**Complaint 628-12-18-15**, Executive Director presented the board with the signed consent agreement from the respondent. Board did not approve the agreement and asked that their attorney consider their concerns and make corrections accordingly, then notice the respondent about any and all changes for his approval.

**Complaint 525-2-18-14**, Hearing was originally scheduled for July 21, 2016 at 1:00 pm, however a continuance was requested by the respondent and granted by the President. A motion was made by Dr. Heard to reschedule the hearing for October 4, 2016 with a tentative time of 1:00pm. The motion was seconded by Mr. McCoy. Motion passed unanimously.

A motion was made by Dr. Courtney to approve the investigative report with the recommendations of the investigative committee and or Board. Motion seconded by Mr. McCoy. Motion passed unanimously.

### **Other business before the Board**

As the Board has not been noticed yet about sending a Board member to help administer the NBCE Part IV examination, Dr. Heard asked if the Board would consider voting today with regard to him attending in November. A motion was made by Dr. Courtney to nominate Dr. Heard as a representative from ASBCE to help administer the NBCE Part IV examination in November. Dr. Taylor seconded the motion. Motion passed unanimously.

### **Adjourn**

Mr. McCoy moved to adjourn. Dr. Courtney seconded the motion. The motion passed unanimously. The Board adjourned at 12:46 p.m.

---

*Board minutes approved: 10/04/2016*